

# TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401



**Project Name:** JACK H BRAITHWAITE INFILL SHORT PLAT

**Case Number:** PLD2009-00041; SEP2009-00065

**Location:** 2310 NW 69<sup>th</sup> Street

**Request:** The applicant is requesting to short plat 1.55 acres into eight single-family residential lots using the Tier I Infill provisions in the R1-6 zone district.

**Applicant:** Sterling Design, Inc.  
2208 E. Evergreen Blvd. Suite A  
Vancouver, WA 98661  
(360)759-1794; (360)759)4983 fax  
[mail@sterling-design.biz](mailto:mail@sterling-design.biz)

**Contact Person:** Joel Stirling  
2208 E. Evergreen Blvd. Suite A  
Vancouver, WA 98661  
(360)759-1794; (360)759)4983 fax  
[joel@sterling-design.biz](mailto:joel@sterling-design.biz)

**Property Owner:** Mervin Johnson  
2310 NW 69<sup>th</sup> Avenue  
Vancouver, WA 98665

## DECISION

**Approve subject to Conditions**

**Team Leader's Initials:** ATG **Date Issued:** September 23, 2009

### County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
<b>Team Leader:</b>	Travis Goddard	4180	<a href="mailto:Travis.goddard@clark.wa.gov">Travis.goddard@clark.wa.gov</a>
<b>Planner:</b>	Jan Bazala	4499	<a href="mailto:jan.bazala@clark.wa.gov">jan.bazala@clark.wa.gov</a>
<b>Engineer Supervisor:</b> (Trans. & Stormwater):	Sue Stepan, P.E.	4102	<a href="mailto:Sue.stepan@clark.wa.gov">Sue.stepan@clark.wa.gov</a>
<b>Engineer</b> (Trans. & Stormwater):	Doug Boheman, P. E., P. L. S.	4219	<a href="mailto:Doug.boheman@clark.wa.gov">Doug.boheman@clark.wa.gov</a>
<b>Fire Marshal Office</b>	Tom Scott	3323	<a href="mailto:Tom.scott@clark.wa.gov">Tom.scott@clark.wa.gov</a>

**Comp Plan Designation:** Urban Low Density Residential (UL)

**Parcel Number(s):** 146722-000

#### Applicable Code Sections

Clark County Code (CCC) Chapter: 15.12 (Fire Prevention), 40.350 (Transportation), 40.220.010 (Single-Family Residential Districts, R1-6), 40.260.110 (Residential Infill), 40.370 (Sewer/Water), 40.380 (Stormwater/Erosion Control), Section 40.570 (SEPA), 40.540.030 (Short Plats), 40.500 (Procedures), 40.510.020 (Type II Process), 40.610 and 40.620 (Impact Fees)

#### Neighborhood Contact:

West Hazel Dell Neighborhood Association

Ila Stanek

500 NW Wildwood

Vancouver, WA 98665

573-7376

E-mail: [ilastanek@hotmail.com](mailto:ilastanek@hotmail.com)

#### Time Limits:

The application was determined to be fully complete on July 10, 2009. Therefore, the County Code requirement for issuing a decision within 78 days will lapse on September 25, 2009. The State requirement for issuing a decision within 120 calendar days, lapses on November 6, 2009.

#### Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the

application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on May 7, 2009. The pre-application was determined to be contingently vested as of April 10, 2009 (i. e., the date the fully complete pre-application was submitted).

The fully complete application was submitted on June 30, 2009, and determined to be fully complete on July 10, 2009. Therefore, the application is vested on April 10, 2009. There are no disputes regarding vesting in this matter.

### **Public Notice:**

Notice of application and likely SEPA determination of non-significance (DNS) was mailed to the applicant, West Hazel Dell Neighborhood Association Neighborhood Association, and property owners within 300 feet of the site on July 17, 2009.

### **Public Comments:**

Letter from the State Department of Archaeology and Historic Preservation dated July 22, 2009. **(Exhibit 6)** The letter confirms that no additional archaeological work is recommended, but notes that if resources are discovered work should stop and the DAHP and county should be contacted.

*Staff response: A standard condition of approval regarding the discovery of archaeological resources will be required to be placed on the final construction plans. See Condition A-6.*

E-mail from Tim Rajeff, 7001 NW 25<sup>th</sup> Avenue, Vancouver, WA 98665, dated July 31, 2009 **(Exhibit 7)**

Mr. Rajeff requests that the original proposal for only 6 lots be approved, instead of the eight being proposed. He also notes that the intersection of 69<sup>th</sup> and Whitney Road is dangerous, and that the county has not rectified this situation while approving two other subdivisions.

*Staff response: See Land Use Findings 2 and Transportation Finding 9.*

Letter from the State Department of Ecology dated July 31, 2009 **(Exhibit 8)**

The letter alerts the applicant to several state agency requirements including

- Discover of soil or groundwater contamination
- Erosion control measures
- Disposal of construction debris
- Releases or spills of hazardous liquids during construction
- NPDES permit requirements when disturbing one or more acres or when offsite discharges occur

*Staff response: See Conditions A-8.b, B-3, and G-2.*

## **Project Overview**

The applicant is requesting preliminary plat approval to divide approximately 1.59 acres into 8 single-family lots in the R1-6 zoning district. While the application states that it is an Infill short plat, the Infill provisions have not been utilized. The applicant has stated that the developer would like to reserve the ability to revise the lot dimensions as the Infill provisions allow, prior to final plat. The applicant acknowledges that this may require a post-decision review.

The site had an older residence and outbuildings that were damaged by a tornado; these structures were subsequently removed through a demolition permit (DMO2008-00090).

The site is flat, with only a few remaining trees, grasses and weeds. The site is located east of Vancouver Lake, an island of county jurisdiction surrounded by the city of Vancouver. Whitney Road, located southeast of the site, provides the only access into, and out of the area.

The property is located within the City of Vancouver's urban growth area (UGA). It is situated in an area served by Fire Protection District 6, the Vancouver School District, the Vancouver Traffic Impact Fees District, and Parks Improvement District 1. The city of Vancouver provides water and sewer service in the area.

The short plat itself is exempt from SEPA review; however, it is anticipated that grading of more than 500 cubic yards will occur. Rather than provide SEPA review with the subsequent grading permit, the applicant has elected to submit for SEPA review with the preliminary plat.

The application proposes to use the Tier I Residential Infill development standards under a pre-existing code section (CCC 40.260.110) which was repealed in the spring of 2009 (the application obtained contingent vesting prior to the removal of the Infill provisions). The current lot layout does not take advantage of the Infill provisions, but it does vest the possibility to adjust the lot layouts using the Infill provisions. Depending on the changes, a post decision review may or may not be required.

The Infill ordinance provides incentives to encourage the development of by-passed parcels. Some of the incentives include variations to the road standards, smaller lot area, and a relaxation of the average minimum lot width and average minimum lot depth standards. Using the Tier I provisions in the R1-6 zoning district, for example, the minimum lot area could be reduced to 4,500 square feet for single-family detached development (per Table 40.260.110-1), but still requires that Tier 1 Infill lots comply with the minimum average lot area of the underlying zone.

The following table shows the comprehensive plan designation, zoning, and current land use on the site and on the abutting properties:

Table 1: Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	Urban Low Density Residential (UL)	Single Family Residential (R16)	Vacant
North	UL	R1-6	Single family residence
East	UL	R1-6	Site of the 14-lot Vancouver Lake subdivision; not yet built upon
South	UL	R1-6	Lakeview Par 3 golf course / single family residence
West	UL	R1-6	Single family residence

## Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- |                                 |  |
|---------------------------------|--|
| 1. Earth                        | 9. Housing                             |
| 2. Air                          | 10. Aesthetics                         |
| 3. Water                        | 11. Light and Glare                    |
| 4. Plants                       | 12. Recreation                         |
| 5. Animals                      | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation                     |
| 7. Environmental Health         | 15. Public Services                    |
| 8. Land and Shoreline Use       | 16. Utilities                          |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

## Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

## **LAND USE:**

### **Land Use Finding 1 – Infill Eligibility Criteria**

CCC 40.260.110 (B) provides the eligibility criteria for infill development. Staff finds that this proposal meets all the applicable criteria for Tier I Residential Infill development (see CCC 40.260.110 (G)). The parcel was created prior to December 31, 1994; the site is approximately 1.59 acres in area; the proposed development can, and, will be connected to public water and sewer services. The abutting parcels on 50 percent of the non-street sides have urban development.

### **Land Use Finding 2 – Infill Standards**

Table 2 below shows the minimum parcel area permitted for single-family detached housing development in the R1-6 district using Infill standards. Table 3 summarizes the set back standards for residential infill development (see CCC 40.260.110 (G) (4) and Table 40.260.110-1).

Table 2: Minimum Parcel Area for Detached Single-Family Dwellings

Zoning District	Minimum Parcel Area – Detached Single-Family (in feet)
R1-6	4,500 square feet

Table 3: Set back standards for residential infill

Classification	Setback					
	Front Yard (For Garage Door or Carport)	Front Yard (Other Structures)	Side Yard (For Garage Door or Carport)	Side Yard (For other Structures)	Rear Yard (For Garage Door or Carport)	Rear Yards (For other Structures)
R1-6	18 feet	10 feet	18 feet	5/10 feet	18/5 feet <sup>1</sup>	5 feet

The proposed lots exceed the Infill lot standards; however, the preliminary plat indicates front setbacks all along the south property lines of Lots 2 and 7. Since these are flag lots, “pocket” setbacks will be required, per Figure 40.100.070-2. Reduced Infill setbacks as noted above can be used on the final plat without a post decision review.

The density range for R1-6 Infill lots is 7.3 – 5.1 dwelling units per acre. The net acreage of the site after deducting for street improvements is 1.39 acres. The resulting density equates to 5.75 dwelling units per acre, meeting density requirements.

As previously noted, the proposal does not take advantage of the Infill provisions. Should the applicant wish to utilize the Infill provisions, a post decision review may be necessary, depending on the extent or type of changes from the preliminary plan. (**See Condition A-1**)

### Land Use Finding 3 – Regular R1-6 Lot Standards

Maximum average lot area	8,500 sf
Minimum average lot area	6,000 sf
Minimum average lot width	50 feet
Minimum average lot depth	90 feet

All lots meet the minimum standards for “regular” R1-6 lots.

### Finding 4 – Mobile/Manufactured Homes

The applicant has not specifically indicated that manufactured homes may be placed on individual lots resulting from this proposed subdivision. As a result, pursuant to CCC 40.260.130(A)(2), manufactured homes are prohibited on any lot within in this subdivision. **(See Condition D-2-a)**

### **Conclusion (Land Use):**

Staff finds that the proposed preliminary plat can comply with the applicable sections of Clark County Code, subject to the conditions of approval identified in this report.

### **ARCHAEOLOGY:**

An archaeological pre-determination was completed for the site. A letter from the State Department of Archaeology and Historic Preservation dated July 22, 2009 (**Exhibit 6**) confirms that no additional archaeological work is recommended, but notes that if resources are discovered work should stop and the DAHP and county should be contacted. A note shall be placed on the final plat to this effect. **(See Condition D-2b)**

### **TRANSPORTATION:**

#### Transportation Finding 1 -- Pedestrian/Bicycle Circulation

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. The preliminary short plat shows that sidewalks will be constructed along the northerly portion of NW 69<sup>th</sup> Street abutting the site on the south. A partial cul-de-sac is proposed to be constructed near the mid portion of the site and accessed from NW 69<sup>th</sup> Street. The cul-de-sac will also provide a sidewalk internal to the development. It should be expected that pedestrians walking easterly or westerly along the NW 69<sup>th</sup> Street sidewalk will cross the cul-de-sac at its throat and not walk around the bulb of the cul-de-sac. Therefore, ADA accessible ramps shall be provided on both sides of the cul-de-sac throat to enable pedestrian movement in the east-west direction along NW 69<sup>th</sup> Street. As conditioned, staff finds that the proposed pedestrian circulation complies with Section CCC 40.350.010. **(See Condition A-2.a)**

#### Transportation Finding 2 -- Circulation Plan

In compliance with Section CCC 40.350.030(B)(2), the circulation plan shall provide adequate cross-circulation for serving the proposed development and allow future developments to meet the cross-circulation standards. The applicant provided a cross-circulation plan showing that the easterly boundary of the site is approximately 432 feet from the easterly right-of-way of NW 25<sup>th</sup> Avenue. The same cross-circulation plan

shows the northerly boundary of the site approximately 198 feet from the northerly right-of-way line of NW 69<sup>th</sup> Street. Due to the two approved and partially constructed developments to the east of the site, Vancouver Lake Subdivision and The Cove at Vancouver Lake, it is not feasible for this development to provide cross-circulation to the east. A single family residential lot to the west prevents circulation to the west. The evidence submitted with this application shows that there is no feasibility of additional cross-circulation roads within the vicinity of this development that could reasonably accomplish this purposes. Based upon this information, staff finds that the provisions of circulation requirements do not apply to this development.

#### Transportation Finding 3 -- On-Site Roads

The applicant's preliminary short plat shows that a partial cul-de-sac will be located at approximately the midpoint of the frontage improvements. **(See Condition A-2.b)**

#### Transportation Finding 4 -- Access Management

Driveway spacing in accordance with CCC 40.350.030.B.4.(b) is required. The final improvement plans must demonstrate driveway locations in compliance to said code section. It is not known if the proposed Lots 1 and 8 will take access from NW 69<sup>th</sup> street or from the cul-de-sac. **(See Condition A-2.c)**

#### Transportation Finding 5 -- Frontage Roads

- NW 69<sup>th</sup> Street is designated as an Urban Local Access road. The minimum right-of-way dedication and frontage improvements for this road in accordance with CCC Table 40.350.030-4 and the Standard Details Manual, Drawing #14 include:
- A minimum half-width ROW of 23 feet
- A minimum half-width roadway of 14 feet
- Curb/gutter and a minimum sidewalk width of 5 feet

The proposed right-of-way dedication and improvements for this road comply with the provisions of CCC 40.350.

#### Transportation Finding 6 -- Sight Distance

The applicant has submitted a Sight Distance Certification prepared by Sterling Design, Inc., stamped and signed by Joel Stirling, a professional engineer licensed in Washington State. The certification states that adequate sight distance at the proposed cul-de-sac along NW 69<sup>th</sup> Street can comply with county requirements according to CCC Table 40.350.030-11 provided that the appropriate vegetation maintenance is performed. **(See Condition A-2.d)**

#### Transportation Finding 7 -- Joint Use Driveways

The preliminary short plat shows that Lots 2 thru 7 will share 2 joint use driveways. Both joint use driveways will each serve 3 lots and will be located inside a 20-foot access and utility easement in accordance with CCC 40.350.030.B.11. **(See Condition A-2.e)**



#### Transportation Finding 8 -- Cul-de-sacs and Turnarounds

The cul-de-sac is shown to have a right-of-way radius of 45.5 feet and a paved radius of 40 feet in accordance with CCC Drawing 28.

#### Transportation Finding 9 -- Offsite Road Conditions

County staff is aware that sight distance at the corner of Whitney Road and 69th Street is insufficient due to an existing residence on the southwest corner. In addition the vertical curve does not meet current road standards; however, insufficient right of way is available to make the necessary improvements. This corner shall be improved to the extent possible with the installation of pavement markers and warning signs before the final plat is approved. The same condition is in place for the Cove at Vancouver Lake subdivision (PLD2006-00099); therefore, whichever land division is finalized first must complete these improvements, unless a joint effort by the two projects can be reached. **(See Condition A-3.a)**

#### **Conclusion (Transportation):**

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the transportation requirements of the Clark County Code.

#### **STORMWATER:**

##### Stormwater Finding 1 -- Applicability

The project is subject to the Stormwater and Erosion Control Ordinance (CCC 40.380). Projects that meet the eligibility requirements of CCC 40.260.110(B)(1) and create less than 5,000 square feet of new impervious surface are exempt from CCC 40.380.040(b) and CCC 40.380.040(C). Houses that utilize roof downspout systems to infiltrate roof runoff may be deducted from area calculations. The proposed amount of new impervious area that will be created is greater than 5,000 square feet and therefore CCC 40.380.040(b) and CCC 40.380.040(C) apply.

The erosion control ordinance is intended to minimize the potential for erosion; a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

##### Stormwater Finding 2 -- Existing Site Conditions

The property is approximately 1.55 acres in size and slopes at approximately 5% from the east to the west. The project site is located north of NW 69<sup>th</sup> Street and west of Vancouver Lake Subdivision, a recently constructed development. Single family homes on large lots exist to the west and north of the site. A single family home once occupied the site, but has been removed.

The Natural Resource Conservation Service (NRCS) indicates the site to be underlain by Hillsboro silt loam (HoB). Hillsboro soils are classified by AASHTO as A-4 soils and are designated as hydrologic group "B". The Stormwater and Erosion Control Ordinance (CCC 40.380), does not list A-4 soils as typically suitable for infiltration.

##### Stormwater Finding 3 -- Developed Site Conditions

The report indicates that the tributary drainage area to this site's stormwater facilities is approximately 0.20 acres for the roads and 0.40 acres for the roofs and driveways. The development of the site will result in approximately 0.60 acres impervious area.

The runoff curve numbers of 98 and 80 were used for impervious area and pervious areas for the developed property. These values were determined based on the developments surface cover, soil type as defined in the "Soils Survey of Clark County, Washington," and hydrologic soils group in accordance with Table III-1.3 of the "Storm Water Management Manual for the Puget Sound Basin" for Type 1-A rainfall distribution.

#### Stormwater Finding 4 -- Stormwater Proposal

The applicant proposes to collect, treat, and infiltrate stormwater runoff from this development. The proposed infiltration system is designed to infiltrate the 100-year storm event. The stormwater system will be required to have an overflow system acceptable to county staff. **(See Condition A-4.a)**

Stormwater will be collected from the public road right-of-way, treated within a publicly owned water quality catch basin unit with 3 treatment cartridges, and discharge to infiltration facilities for quantity control. **(See Condition A-4.b)**

Each new lot will manage new roof, area drain and low-point drainage on each individual lot within private infiltration facilities. **(See Condition A-4.c)**

#### Stormwater Finding 5 -- Infiltration

The applicant has submitted an infiltration testing report performed by Deep River Geotechnical Services, dated June 24, 2009. The subsurface infiltration exploration, consisting of 3 test pits, was conducted on June 3, 2009. The test pit locations are shown in Figure 2 of the geotechnical report. Laboratory tests performed included grain distribution analyses and AASHTO Specification M145 soil classification as required per the stormwater ordinance. In accordance with the provisions of CCC 40.380.40(C)(3)(a), soils classified as A-1-a, A-1-b, A-2-4, A-2-5, and A-3 as defined as AASHTO Specification M145 are suitable for infiltration. The infiltration report included results for two infiltration tests. The test data is summarized in the following table:

DATE	TEST PIT NO.	DEPTH (FT)	% PASSING #200 SIEVE	INFILTRATION RATE (IN/HR)	AASHTO CLASSIFICATION
June 09	T-1	3 - 4	6.2	2	sandy silt
June 09	T-2	5.5 - 6.5	6.8	56	A-2-4/A-1-b
June 09	T-3	8.5 - 9.5	0.6	1440	A-1-b

Per CCC 40.380.040(C)(3)(d), the minimum design infiltration rate shall have a safety factor of 2. In the preliminary analysis, the applicant's engineer selected a design factor of safety of 5. Therefore, the design infiltration rate may be equal to 10.0 inches per hour, for a tested infiltration rate of 56 inches per hour. Therefore, the main infiltration facility and rear yard drains located on the north side of the side used a design rate of

10.0 inches per hour. Therefore, the applicant has met the standards outlined in this section.

In order to ensure that the proposed stormwater infiltration facilities will function as designed, the infiltration rate used in the stormwater analysis shall be verified during the construction of the stormwater facilities. In accordance with the provisions of Section CCC 40.380.040(C)(3)(a), soil suitability for infiltration shall be determined by a qualified geo-technical engineer through both approved field-testing and laboratory testing. **(See Condition C-1)**

#### Stormwater Finding 6 -- Infiltration Sacrificial System

The proposed stormwater runoff disposal is by infiltration, therefore it is important to ensure that no soil or contaminated materials inadvertently enter the storm drain collection system. In order to protect the infiltration facilities from plugging during the construction of the subdivision and homes on the new lots, all runoff shall be conveyed to an onsite sacrificial system or be contained by other approved methods until such a time when the county inspection staff determines that the potential for plugging the infiltration system is minimized to the extent possible. **(See Condition C-2)**

#### **Conclusion (Stormwater):**

Staff concludes that the proposed preliminary stormwater plan, subject to the conditions above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

#### **FIRE PROTECTION:**

##### Fire Protection Finding 1-- Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

##### Fire Protection Finding 2-- Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. **(See Condition E-1)**

##### Fire Protection Finding 3 -- Fire Flow

Fire flow in the amount of 1,000 gallons per minute supplied at 20 pounds per square inch (psi) for 60 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow available at the site is estimated at 1,000 gpm. **(See Condition D-3a)**

##### Fire Protection Finding 4 -- Fire Hydrants

Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum

spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. **(See Conditions A-9.a and D-3.a)**

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Chad Lawry at the Vancouver Fire Department at 360-759-4418 to arrange for location approval. **(See Condition A-9.b)**

#### Fire Protection Finding 5 -- Fire Apparatus Access and Turnarounds

The roadways and maneuvering areas as indicated in the application meet the requirements of the Clark County Road Standard.

Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. **(See Condition A-9.c)**

Fire apparatus turnarounds are required and meet the requirements of the Road Standard.

#### **Conclusion (Fire Protection):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

#### **WATER & SEWER SERVICE:**

##### Water and Sewer Finding 1 -- Providers

The City of Vancouver provides water and sewer in this area. A utility review from the service provider indicates that adequate services exist in the area to serve this development. The applicant will need to make the necessary improvements to connect this development to potable water and sewer services. **(See Condition D-4)**

##### Water and Sewer Finding 2 -- Health Department Review

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval letter must be submitted to the county (e.g., at Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department. **(See Condition A-8.a)**

If underground storage tanks exist on the property, they must be identified and decommissioned in place consistent with the Uniform Fire Code under permit from the Fire Marshal. Any leaks or contamination must be reported to Washington State Department of Ecology, and proof of removal or abandonment (of the tank) must be submitted to the Health Department prior to final plat recording. **(See Condition A-8.b)**

**Conclusion (Water & Sewer Service):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

**IMPACT FEES:**

**Finding 1**

The additional residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610.

The site is located in Park Impact Fee (PIF) District 1, Vancouver School District Impact Fee (SIF) and Vancouver Traffic Impact Fee (TIF) district; however, the county does not collect traffic impact fees in the Vancouver Traffic Impact Fee District.

The site had an existing legally established residence that was damaged in a tornado, therefore one lot, to be noted on the final plat, will obtain a credit for impact fees.

In accordance with CCC 40.610, park and school impact fees shall be assessed on 7 of the 8 new lots as follows:

1. \$2,133.00 PIF (made up of \$1,693 acquisition fee, and \$440.00 development fee) per new single-family dwelling in Park District 1;
2. \$1,725.00 SIF per new single-family dwelling in the Vancouver School District; and,

The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedules. **(See Conditions D-1.e, D-2.e, and E-2)**

## **SEPA DETERMINATION**

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);

- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval); or,
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on July 17, 2009, is hereby final.

### **SEPA APPEAL PROCESS:**

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$1,493**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

SEPA Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

**Staff Contact Person:** Jan Bazala, (360) 397-2375, ext. 4499  
Travis Goddard, (360) 397-2375, ext. 4180

**Responsible Official:** Michael V. Butts, Development Services Manager

## DECISION

Based upon the proposed plan (identified as Exhibit 1), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request; subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

## CONDITIONS OF APPROVAL

<b>A</b>	<b>Final Construction Review for Land Division Review &amp; Approval Authority: Development Engineering</b>
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Prior to construction, a Final Construction Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

- A-1** The utilization of infill provisions may require post decision review. Planning staff reserves the right to evaluate whether a post decision review is necessary. *(See Land Use Finding 2)*
- A-2 Final Transportation Plan/On-Site** - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:
- a. The final site improvement plans shall provide ADA accessible ramps on both sides of the cul-de-sac throat to enable pedestrian movement in the east-west direction along NW 69<sup>th</sup> Street. *(See Transportation Finding 1)*
  - b. The final construction plans shall specify rolled curb and gutter and a thickened sidewalk along the cul-de-sac in accordance with CCC Drawing #28. *(See Transportation Finding 3)*
  - c. The final construction drawings shall show the driveway locations for Lots 1 and 8 such that driveway spacing, such as CCC 40.350.030(B)(4)(b)(1)(b) is defined. *(See Transportation Finding 4)*
  - d. All appropriate vegetation, as identified in the applicant's Sight Distance Certification, shall be maintained in order to accomplish adequate sight distance. *(See Transportation Finding 6)*
  - e. The two joint use driveways for Lots 2-7 shall be shown final construction plan. *(See Transportation Finding 7 and Condition D-5)*

**A-3 Transportation:**

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval. The striping plan shall show raised pavement markers along NW 69<sup>th</sup> street and Whitney Road to delineate the horizontal curve and travel lanes as well as additional warning signs advising motorists of the conditions they are about to encounter. **(See Transportation Finding 9)**
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

**A-4 Final Stormwater Plan** - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380 and the following conditions of approval:

- a. The final plans shall provide an overflow system such that if the proposed stormwater facilities should fail, no neighboring residents would become inundated from the runoff. **(See Stormwater Finding 4)**
- b. The stormwater disposal system for the public roadway shall be constructed in a tract outside of the public right of way. **(See Stormwater Finding 4)**
- c. The final plans shall provide a typical section for the roof, low point, and driveway private infiltration systems. This section shall specify the height and width dimensions along with a trench length in relation to a unit measurement of impervious area. The section shall specify the bottom elevation of these infiltration systems in respect of the depth where the required infiltration rate will be obtained. The actual construction of these private infiltration systems may be deferred until prior to Certificate of Occupancy. **(See Stormwater Finding 4)**

**A-5 Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380 and the following conditions of approval:

**A-6** The following notes shall be placed on the face of the Final Construction Plan:

- a. "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."



**A-7 Excavation and Grading** - Excavation/grading shall be performed in compliance with CCC14.07.

**A-8 Health Department Review:**

- a. Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department. **(See Water & Sewer Finding 2)**
- b. If underground storage tanks exist on the property, they must be identified and decommissioned in place consistent with the Uniform Fire Code under permit from the Fire Marshal. Any leaks or contamination must be reported to Washington State Department of Ecology, and proof of removal or abandonment (of the tank) must be submitted to the Health Department prior to final plat recording. **(See Water & Sewer Finding 2)**

**A-9 Fire Marshal Requirements**

- a. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. **(See Fire Protection Finding 3)**
- b. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Chad Lawry at the Vancouver Fire Department at 360-759-4418 to arrange for location approval. **(See Fire Protection Finding 4)**
- c. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. **(See Fire Protection Finding 5)**

<b>B</b>	<b>Prior to Construction of Development Review &amp; Approval Authority: Development Inspection</b>
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Prior to construction, the following conditions shall be met:

**B-1 Pre-Construction Conference:** Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

**B-2 Erosion Control:**

Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration

systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

**B-3 Erosion Control:**

Erosion control facilities shall not be removed without County approval.

<b>C</b>	<b>Provisional Acceptance of Development</b> <b>Review &amp; Approval Authority: Development Inspection</b>
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction plans and the following conditions of approval:

- C-1** The installation of infiltration systems shall be observed and documented by a licensed engineer in the State of Washington proficient in geotechnical engineering. During the construction, the geotechnical engineer shall verify that the infiltration rates used in the final stormwater analysis are obtained at the exact locations and depths of the proposed stormwater infiltration facilities. The infiltration investigation shall include laboratory analysis based on AASHTO Specification M145. The timing of representative infiltration tests will be determined at the pre-construction conference. *(See Stormwater Finding 5)*
- C-2** The applicant shall provide a sacrificial system to be used during the sites development so that the permanent system will not be compromised by the silts found in the on-site soils. The sacrificial system shall be used until county inspection staff determines that the potential for plugging the infiltration system is minimized to the extent possible. *(See Stormwater Finding 7)*

<b>D</b>	<b>Final Plat Review &amp; Recording</b> <b>Review &amp; Approval Authority: Development Engineering</b>
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Prior to final plat approval and recording, the following conditions shall be met:

**D-1 Developer Covenant:**

A "Developer Covenant to Clark County" shall be submitted for recording to include the following:

**a. Development on Infill Parcels:**

All development on infill parcels created pursuant to Section 40.260.110 shall be subject to the standards for Infill Development. The following applicable Infill Development Standards shall be included in the Developer Covenants to Clark County:

- i. The minimum parcel area is 4,500 square feet (per Table 40.260.110-1).
- ii. Front yard setback for garage door or carport is 18 feet.
- iii. Front yard setback for all other structures is 10 feet.
- iv. Side yard setback for garage door or carport is 18 feet.
- v. Side yard setback for garage door or carport is 18 feet.
- vi. For all other uses, the zone specific side yard setback of 5 feet is required.

- vii. Side street setback is 10 feet.
- viii. Rear yard setback for garage door or carport is 18 feet; except on an alley there may be a 5 foot setback from the property line.
- ix. All other uses shall comply with the standard rear yard setbacks in the applicable underlying zoning district. [See Table 40.260.110-1, CCC 40.260.110 (G) (4), and Land Use Finding 3]

**b. Critical Aquifer Recharge Areas:**

"The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

**c. Erosion Control:**

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

**d. Responsibility for Stormwater Facility Maintenance:**

For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. Final plats shall specify the party(s) responsible for long-term maintenance of stormwater facilities within the Developer Covenants to Clark County. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.

**e. Impact Fees:** "In accordance with CCC 40.610, the School and Park Impact Fees for 7 of the 8 lots in this short plat are: \$1,725.00 (Vancouver School District) and \$2,133 (\$1,693.00 - Acquisition; \$440.00 - Development for Park District 1), The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated \_\_\_\_\_, and expiring on \_\_\_\_\_. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule." (*See Impact Fees Finding 1*)

**D-2 Plat Notes:**

The following notes shall be placed on the final plat:

- a. Mobile Homes: "Mobile homes are not permitted on any lots subject to the requirements of CCC 40.260.130."
- b. Archaeological (all plats): "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- c. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."
- d. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- e. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."
- f. Privately Owned Stormwater Facilities:  
"The following party(s) is responsible for long-term maintenance of the privately owned stormwater facilities:
- e. Impact Fees:  
"Impact fees for Lot \_\_\_\_\_ shall be credited for the prior existing residence."

**D-3 Fire Protection - Fire Marshal's Requirements:**

- a. Fire flow in the amount of 1,000 gallons per minute supplied at 20 pounds per square inch (psi) for 60 minutes duration is required for this application. A utility review from the water purveyor indicates that the required fire flow currently available at the site is estimated at 1,000 gallons per minute at 20 psi. Water mains supplying fire flow and fire hydrants shall be installed, approved, and operational prior to final plat approval. (***See Fire Protection Finding 3)***

**D-4** The applicant shall provide documentation from the City of Vancouver that water and sewer connections to the new lots have been installed and approved. (***See Water and Sewer Finding 1)***

- D-5** The shared driveways noted in condition A-2.e for Lots 2-7 shall be constructed.  
(See *Transportation Finding 7*)

<b>E</b>	<b>Building Permits</b> <b>Review &amp; Approval Authority: Customer Service</b>
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Prior to issuance of a building permit, the following conditions shall be met:

- E-1** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.
- E-2 Impact Fees:**

Impact Fees: "In accordance with CCC 40.610, the School and Park Impact Fees for 7 of the 8 lots in this short plat are: \$1,725.00 (Vancouver School District) and \$2,133 (\$1,693.00 - Acquisition; \$440.00 - Development for Park District 1), The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated \_\_\_\_\_, and expiring on \_\_\_\_\_. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule." (See *Impact Fees Finding 1*)

<b>F</b>	<b>Occupancy Permits</b> <b>Review &amp; Approval Authority: Building</b>
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Prior to issuance of an occupancy permit, the following conditions shall be met:

- F-1** None

<b>G</b>	<b>Development Review Timelines &amp; Advisory Information</b> <b>Review &amp; Approval Authority: None - Advisory to Applicant</b>
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- G-1 Land Division:**  
Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.
- G-2 Department of Ecology Permit for Construction Stormwater:**  
A permit from the Department of Ecology (DOE) is required if:
- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
  - There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall contact the DOE for further information.**

<b>H</b>	<b>Post Development Requirements</b> <b>Review &amp; Approval Authority: As specified below</b>
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H-1 None

<b>Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.</b>
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**Decision Appeal Process:**

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on September 23, 2009. Therefore any appeal must be received in this office by 4:30 PM, October 7, 2009.

<b>Appeal Deadline</b>
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<b>October 7, 2009</b>
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Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
  - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
  - The specific aspect(s) of the decision being appealed;
  - The reasons why each aspect is in error as a matter of fact or law;
  - The evidence relied on to prove the error; and,
- The appeal fee of **\$4,826 (an additional fee of \$414 will be charged if the appeal involves engineering issues).**

Ninety percent (90%) of the fee will be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

**Attachments:**

- Copy of Proposed Preliminary Plan

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center  
Department of Community Development  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA. 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:  
Web Page at: <http://www.clark.wa.gov>

## Final Decision Attachment

**For Employee Use Only** -This is not part of the decision, but rather an attachment for processing purposes only.

Final Plans Required with Construction Plans	YES	NO
Final Landscape Plan:		X
-On-site landscape plan		X
-Right-of-way landscape plan*		X
Final Wetland Plan		X
Final Habitat Plan		X

\*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

**Note:** If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.

### Building Setbacks Established at Preliminary Plan Review

**Project Name:** Braithwaite Infill Short Plat

**Case Number:** PLD2009-00041

The following minimum building setback requirements are based upon the zoning in place at the time, or setbacks as otherwise approved through preliminary plan review of the above listed project.

#### Setback Requirements for all Lots

Table 2: Minimum Parcel Area for Detached Single-Family Dwellings

Zoning District	Minimum Parcel Area – Detached Single-Family (in feet)
R1-6	4,500 square feet

Table 3: Set back standards for residential infill

Classification	Setback					
	Front Yard (For Garage Door or Carport)	Front Yard (Other Structures)	Side Yard (For Garage Door or Carport)	Side Yard (For other Structures)	Rear Yard (For Garage Door or Carport)	Rear Yards (For other Structures)
R1-6	18 feet	10 feet	18 feet	5/10 feet	18/5 feet <sup>2</sup>	5 feet

<sup>2</sup> On an alley, there may be a minimum 5 foot setback from the rear property line abutting the alley.





